

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

No. 7:22-cv-00073-M

CENTER FOR ENVIRONMENTAL
HEALTH, *et al.*,

Plaintiffs,

v.

MICHAEL REGAN, in his official
capacity as Administrator of the U.S.
Environmental Protection Agency, *et al.*,

Defendants.

**DEFENDANTS' RESPONSE TO
PLAINTIFFS' MOTION TO
REASSIGN DEFENDANTS'
MOTION TO LIMIT THE SCOPE
OF REVIEW TO THE DISTRICT
COURT**

Defendants submit this response to Plaintiffs' Motion to Reassign Defendants' Motion to Limit the Scope of Review to the District Court (ECF No. 61). Defendants defer to the Court's determination as to which judge should decide Defendants' Motion to Limit the Scope of Review. In any event, the Court should first decide Defendants' Motion to Dismiss and, only if the Court denies Defendants' Motion to Dismiss, decide Defendants' Motion to Limit the Scope of Review.

Further, in their motion, Plaintiffs make repeated and supplemental argumentation and mischaracterize Defendants' positions. Defendants rest on their briefing with respect to the merits of the pending motions. The Court should reject Plaintiffs' repeated and additional argumentation.

Respectfully submitted this 27th day of September 2022.

TODD KIM
Assistant Attorney General

/s/ Brandon N. Adkins
BRANDON N. ADKINS
HUBERT T. LEE
U.S. Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
4 Constitution Square
150 M Street, NE
Washington, D.C. 20002
(202) 616-9174 (Adkins)
(202) 514-1806 (Lee)
Fax (202) 514-8865
Brandon.Adkins@usdoj.gov
Hubert.Lee@usdoj.gov
Adkins: DC Bar #1010947
Lee: NY Bar #4992145

MICHAEL F. EASLEY, JR.
United States Attorney

C. MICHAEL ANDERSON
Assistant United States Attorney
150 Fayetteville Street, Suite 2100
Raleigh, N.C. 27601
(919) 856-4530
Fax (919) 856-4821
Michael.Anderson7@usdoj.gov
N.C. Bar No. 42646

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on September 27, 2022, I electronically transmitted the foregoing Defendants' Response to Plaintiffs' Motion to Reassign Defendants' Motion to Limit the Scope of Review to the District Court using the ECF system for filing and transmittal of a Notice of Electronic Filing to registered counsel for all parties.

/s/ *Brandon N. Adkins*
United States Department of Justice